



United States Army Physical Disability Agency



***"People Always ... Mission
First"***



Operations Division and Special Actions

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Operations Division and Special Actions Functions of the Operations Division

Agenda

- I. Objectives/Functions
- II. Issues/Questions of
Adjudicators/PEBLOs
- III. Case Reviews
- IV. Case Recall
- V. Continuation on Active
Duty/Continuation on
Active Reserve
- VI. Processing of General and Medical
Corps Officer Cases
- VII. Temporary Disability Retirement



OBJECTIVES



- ✓ **List the functions of the Operations Division.**
- ✓ **Identify types of issues PEBLOs should refer to Operations Chief or designated Operations POC.**
- ✓ **List the types of case reviews.**
- ✓ **List the reasons in the case recall process.**
- ✓ **Describe the Continuation on Active Duty (COAD) and Continuation on Active Reserve Programs.**



FUNCTIONS



- ❖ **Administratively responsible for case reviews**
- ❖ **Responsible for the management of the the TDRL**
- ❖ **Manage PDCAPs**
- ❖ **Administratively responsible for final disposition, i.e., orders, TRANSPROC III**



TYPES OF ISSUES TO BE REFERRED TO OPERATIONS



- **Status of COAD/COAR.**
- **Transition Center is not counting battle assembly points (inactive duty training and membership points, etc.) in computing service of an RC pending disability separation.**
- **Status of a case that has been forwarded to USAPDA.**
- **Soldier is at a different installation than where PDB inputted the**



TYPES OF ISSUES TO BE REFERRED



TO OPERATIONS, Cont.

- Soldier is on a promotion list or otherwise pending promotion, but TRANSPROC entry does not authorize retirement grade at the higher grade or disability severance pay at the higher grade.
- Grade determination required:
 - USAPDA can determine highest grade satisfactorily held for cases involving other than a disciplinary reduction.
 - USAPDA must forward to the Grade Determination Review Board cases involving a disciplinary reduction.



TWO TYPES OF CASE REVIEWS



1) Mandatory review, AR 635-40, para 4-22.

- **General and Medical Corps officers found unfit.**
- **Informal proceedings when the Soldier non-concurs, waives a formal, and submits a statement of rebuttal within the required time frame, and PEB adheres to its findings.**
 - In practice, non-concurrence without submission of a rebuttal is treated as a mandatory review.**
- **A PEB member submits a minority report.**
- **Any case HQUSAPDA returns to the PEB for reconsideration or directed formal hearing.**
- **Cases designated by the CG, USAPDA for review.**



TWO TYPES OF CASE REVIEWS, Cont.



2) Quality assurance review, DoDI 1332.38, para 5.5.2.

“[The Service Secretary shall] establish a quality assurance process to ensure that policies and procedures established by DoD Directive 1332.18 and this Instruction are interpreted uniformly.”

- Designated number of cases for each month.**
- Initial review by Medical Branch.**
- Non-medical issues passed to the**



CASE REVIEW - REVISIONS



Processes for Revisions Resulting from Mandatory/Quality Review

- **Discuss at weekly case review meeting.**
 - **Deputy Commander**
 - **Chief, Operations Division**
 - **Medical Section**
 - **Legal Advisor**
 - **Reserve Component Advisor**
- **DCO decides whether to go forward.**
- **Proposed revision is sent to PEB for response. If respond, doctors and lawyer review.**
- **DCO has the final decision.**
- **Revised DA Form 199 and is sent to Soldier for election.**
- **If Soldier non-concurs, Soldier can request formal unless one previously held.**
- **Otherwise, case goes to the Army Physical Disability Appeal Board for**



CASE RECALL



- **Reasons for recall (return of case):**
 - **Hospitalization of a Soldier waiting final PEB disposition.**
 - **Additional medical information received from MTF.**
 - **Soldier pending UCMJ which could result in dismissal or punitive discharge.**
 - **Officer resigning for the good of the service.**
 - **Enlisted pending admin separation under a chapter of AR 635-40 which allows a characterization of service of Under Other than Honorable Conditions.**
 - **Chapter 7, Fraudulent Enlistment**
 - **Chapter 10, Discharge for the Good of the Service**



CASE RECALL, Cont.



- Soldier requests formal after concurring with informal findings before final disposition of PEB.
- Soldier is reaching date of an approved length of service retirement or ETS and no longer wants retention.
- Submit recall requests to USAPDA (AHRC-DOE, Chief, Operations Division).



CASE RECALL, Cont.



- **Upon receipt of request, USAPDA, Operations --**
 - **Routes the new information with original PEB findings for staff review.**
 - **Provides staff recommendation to DCO for approval/disapproval.**
 - **If approved, Operations rescinds any order/TRANSPROC entry.**
 - **Sends original findings back to PEB for designated reason (example a return to MTF for further medical treatment or return to PEB for reconsideration).**
 - **Admin terminates case if there is an approved discharge as a result of UCMJ action, or one of the designated chapter separations.**
 - **If disapproved, Operations responds in writing to the requestor stating reason for denial and continues to process case.**



ACTIONS AFTER THE EXPIRATION OF COAD/COAR



- **COAD/COAR of six months or less to reach active service LOS retirement does not require referral back into the PDES.**
 - Soldier will retire for physical disability at the end of COAD/COAR.**
 - Soldier will be referred back if Soldier consents and has incurred a new, acute grave illness or injury, or had suffered a grave deterioration.**
- **COAD/COAR of greater than six months generally requires referral back into the PDES.**
 - Soldier may forego process by signing a waiver statement. Soldier will retire from active service or non-regular service, as applicable.**
- **Presumption of fitness rule does not apply.**



ACTIONS AFTER EXPIRATION, Continued



- **If the disability has remained unchanged or increased in severity, the PEB will find the Soldier unfit.**
- **If the disability has healed or improved so that the Soldier is capable of performing his or her primary MOS or specialty code duties in other than a limited duty status, the Soldier may be found fit.**
 - Ability to perform duties with prosthetics does not constitute a healing or improvement for purposes of a fit finding at time of final PDES evaluation.**



COAD - CONTINUATION ON ACTIVE DUTY



COAR - CONTINUATION ON ACTIVE

AuthORITY

- **DoDD 1332.18, para 3.12:** "As an exception to general policy, the Secretary concerned, upon the request of the member or upon the exercise of discretion based on the needs of the Service, may continue in a permanent limited duty status either on active duty or in the Ready Reserve a member determined unfit because of physical disability when the member's Service obligation or special skill and experience justifies such continuation.
- **AR 635-40, Chapter 6**

Notes:

- **The change to AR 635-40 allows for involuntary**



COAD and COAR consideration criteria



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- **Disability is not the result of misconduct, willful neglect, or incurred while absent without leave.**
 - **The Soldier is capable of maintaining normal military environment without adversely affecting his or other's health or requiring undue loss of time from duty for medical treatment.**
 - **Physically capable of performing useful duty in MOS for which currently qualified or potentially trainable.**



COAD and COAR

Qualifications for COAD and COAR

- **All applications come to the Operations Division; however, each application is screened to ensure one of the three criteria is met prior to the being forward to the approval authority.**
- **HQUSAPDA holds case pending outcome of request.**
- **Criteria for approval authority**
 - **For COAD, 15 but less than 20 years of active federal service. For COAR, have a total of 15 years, but less than 20 years of qualifying service for non-regular retirement.**
 - **Qualified in a critical skill or shortage MOS; or**
 - **Disability is the result of combat or terrorism.**



COAD and COAR Processes



- **The Physical Evaluation Board Liaison (PEBLO) at the MTF is required to counsel the Soldier on the COAD during the Soldier's MEB processing.**
- **The Soldiers with between 18 and 20 years who elect not to request COAD/COAR must submit a statement declining COAD/COAR, or the PEBLO must submit a statement that the Soldier was counseled and declined to request COAD/COAR.**
- **Requests are submitted with the MEB or with the election to informal findings.**
- **Once the Physical Evaluation Board (PEB) and appellate review are completed, the case is forwarded to the USAPDA.**



COAD and COAR Approval Authorities



- **Approval Authority**
 - **Enlisted COAD: EPMD HRC.**
 - **HQUSAPDA submits Soldier's request to EPMD; EPMD coordinates with Soldier's Branch prior to approving/denying request.**
 - **Officer COAD - OPMD HRC.**
 - **USAR COAR - HRC-St. Louis Surgeon.**
 - **NG COAR - NGB.**

- **Note: Soldiers tracked by Army Wounded Warrior Program, the G1 is the disapproval authority for both COAD and COAR.**



PROCESSING OF SPECIFIC GO AND MC CASES



- **Unfit findings on GO and MC Officers pending retirement by reason of age or LOS must be approved by the Secretary of Defense on the recommendation of the Assistant Secretary of Defense for Health Affairs.**
 - Per 10 USC 1216(d)**
 - Implemented by DoD Directive 1332.18, para 4.4.7 and DODI 1332.38 paras 5.3.1 and 5.5**
- **Note that DoDI 1332.38 does not require the referral of all other GO and MC cases to Assistant Secretary of Defense for Health Affairs for review of unfit findings. Accordingly, AR 635-40, paras 3-13c and d (which predate the DoDI) no longer apply.**



Temporary Disability Retirement List

Authority:

- **10 USC 1202 and 1205**
- **DoD Directive 1332.18**
- **DoDI 1332.38, Encl 3, Part 6**
- **AR 635-40, Chapter 7**



TDRL



PEBLO Counseling Responsibilities

- Chapter 7, inconsistent
 - Para 7-5 advises to counsel through informal
 - PEB's notification letter to PEB advises to contact PEBLO if Soldier has questions
 - Soldier sends election directly to PEB
- What should PEBLO do?
 - Follow the PEB's guidance



TDRL Facts



- **Used when Soldier is qualified for permanent disability retirement but the condition is not stable for rating purposes; and**
 - **Soldier has 20 years of service as computed under 10 USC 1208, or**
 - **Minimum 30 percent disability rating**
- **Members on the TDRL are entitled to the same benefits as a Soldier permanently retired for disability or retired for length of service**
- **TDRLs are also eligible for DVA compensation**
- **A periodic medical examination must be done at a minimum of every 18 months**
 - **Pay may be suspended if Soldier fails to report, but remains on TDRL**



TDRL FACTS, Cont.



- Soldiers are usually administratively removed at the 5th year
 - Those in process remain on the TDRL, but pay stops
 - Upon completion of Re-exam and PEB, disposition backdated to day after 5th year



CONTACT PERSONNEL



- COAD/COAR - Ms. Mada Preston (202) 782-1929
- TDRL – Mrs. Irene Baker, Chief, (202) 782-1991
- Mrs. Gloria Jones (202) 782-1981
- Mrs. Janice McGill (202) 782-1990
- Mrs. Cassandra Young (202) 782-1980